

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation Against:**

**CHI LIEU NGUYEN, DBA KIM PHARMACY #3, CHI LIEU NGUYEN,  
OWNER and PIC,**

**Pharmacy Permit No. PHY 51051;**

**CHI LIEU NGUYEN,**

**Pharmacist License No. RPH 46977;**

**Respondents**

**Agency Case No. 6877**

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on February 11, 2021.

It is so ORDERED on January 12, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe", written in a cursive style.

By

Greg Lippe  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 KAREN R. DENVIR  
Supervising Deputy Attorney General  
3 KRISTINA T. JARVIS  
Deputy Attorney General  
4 State Bar No. 258229  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6088  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **CHI LIEU NGUYEN, dba**  
14 **KIM PHARMACY #3,**  
15 **CHI LIEU NGUYEN, OWNER and PIC**  
**5026 Fruitridge Road, Ste. 3**  
**Sacramento, CA 95820**

16 **Pharmacy Permit No. PHY 51051,**

17 **and**

18 **CHI LIEU NGUYEN**  
19 **5026 Fruitridge Road, Ste. 3**  
**Sacramento, CA 95820**

20 **Pharmacist License No. RPH 46977**

21 Respondent.

Case No. 6877

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER FOR PUBLIC  
REPROVAL**

**As to Respondent Chi Lieu Nguyen, dba  
Kim Pharmacy #3 only**

**[Bus. & Prof. Code § 495]**

22  
23  
24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
25 entitled proceedings that the following matters are true:

26 **PARTIES**

27 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
28 (Board). She brought this action solely in her official capacity and is represented in this matter by

1 Xavier Becerra, Attorney General of the State of California, by Kristina T. Jarvis, Deputy  
2 Attorney General.

3 2. Respondent Chi Lieu Nguyen, doing business as (dba) Kim Pharmacy #3, Chi Lieu  
4 Nguyen, Owner and PIC (Respondent<sup>1</sup>) is representing herself in this proceeding and has chosen  
5 not to exercise her right to be represented by counsel.

6 3. On or about August 27, 2012, the Board of Pharmacy issued Pharmacy Permit  
7 Number PHY 51051 to Chi Lieu Nguyen, doing business as (dba) Kim Pharmacy #3, Chi Lieu  
8 Nguyen, owner (Respondent). Chi Lieu Nguyen is and has been the Pharmacist-in-Charge (PIC)  
9 of Respondent Pharmacy since August 27, 2012. The Pharmacy Permit was in full force and  
10 effect at all times relevant to the charges brought herein and will expire on August 1, 2021, unless  
11 renewed.

12 4. On or about March 11, 1994, the Board of Pharmacy issued Pharmacist License  
13 Number RPH 46977 to Chi Lieu Nguyen (Respondent Nguyen). The Pharmacist License was in  
14 full force and effect at all times relevant to the charges brought herein and will expire on  
15 September 30, 2021, unless renewed.

### 16 **JURISDICTION**

17 5. Accusation No. 6877 was filed before the Board of Pharmacy (Board), Department of  
18 Consumer Affairs and is currently pending against Respondent. The Accusation and all other  
19 statutorily required documents were properly served on Respondent on May 5, 2020. Respondent  
20 timely filed its Notice of Defense contesting the Accusation. A copy of Accusation No. 6877 is  
21 attached as exhibit A and incorporated herein by reference.

### 22 **ADVISEMENT AND WAIVERS**

23 6. Respondent has carefully read, and understands the charges and allegations in  
24 Accusation No. 6877. Respondent has also carefully read, and understands the effects of this  
25 Stipulated Settlement and Disciplinary Order for Public Reapproval.

26 ///

27 \_\_\_\_\_  
28 <sup>1</sup> Since this stipulation is solely for the pharmacy, “Respondent” herein shall refer to the  
pharmacy and any reference to “Respondent Nguyen” shall refer to Respondent Nguyen’s  
pharmacist license.

7. Respondent is fully aware of its legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at its own expense; the right to confront and cross-examine the witnesses against it; the right to present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 6877.

10. Respondent agrees that its Pharmacy Permit is subject to discipline and agrees to be bound by the Disciplinary Order below.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that it may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reprimand shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reprimand, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order for Public Reproval is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order for Public Reproval may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 51051 issued to Respondent Chi Lieu Nguyen dba Kim Pharmacy #3, Chi Lieu Nguyen, Owner and PIC (Respondent) shall be publicly reprovved by the Board of Pharmacy under Business and Professions Code section 495 in resolution of Accusation No. 6877, attached as exhibit A.

**Cost Recovery.** Respondent shall pay \$7,500 to the Board for its costs associated with the investigation and enforcement of this matter. Respondent shall be jointly and severally liable for these costs with Respondent Nguyen. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. If Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew its Pharmacy Permit until Respondent pays costs in full.

**Full Compliance.** As a resolution of the charges in Accusation No. 6877, this stipulated settlement is contingent upon Respondent's full compliance with all conditions of this Order. If Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause for discipline, including outright revocation, of Respondent's Pharmacy Permit No. PHY 51051.

## ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order for Public Reprimand. I understand the stipulation and the effect it will have on my Pharmacy Permit. I enter into this

1 Stipulated Settlement and Disciplinary Order for Public Reapproval voluntarily, knowingly, and  
2 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

3  
4 DATED: 10/26/2020

Chi Lieu Nguyen  
5 CHI LIEU NGUYEN, dba KIM PHARMACY #3,  
6 CHI LIEU NGUYEN, OWNER AND PIC  
7 *Respondent*

8 **ENDORSEMENT**

9 The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby  
10 respectfully submitted for consideration by the Board of Pharmacy of the Department of  
11 Consumer Affairs.

12 DATED: \_\_\_\_\_

Respectfully submitted,

13 XAVIER BECERRA  
14 Attorney General of California  
15 KAREN R. DENVER  
16 Supervising Deputy Attorney General

17 KRISTINA T. JARVIS  
18 Deputy Attorney General  
19 *Attorneys for Complainant*

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21  
22  
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24  
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26  
27 SA2019106446  
28 34482995.docx

1 Stipulated Settlement and Disciplinary Order for Public Repeval voluntarily, knowingly, and  
2 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

3  
4 DATED: \_\_\_\_\_

5 CHI LIEU NGUYEN, dba KIM PHARMACY #3,  
6 CHI LIEU NGUYEN, OWNER AND PIC  
7 *Respondent*


8 **ENDORSEMENT**

9 The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby  
10 respectfully submitted for consideration by the Board of Pharmacy of the Department of  
11 Consumer Affairs.

12 DATED: 11/24/2020 \_\_\_\_\_

Respectfully submitted,

13 XAVIER BECERRA  
14 Attorney General of California  
15 KAREN R. DENVIR  
16 Supervising Deputy Attorney General

17   
18 KRISTINA T. JARVIS  
19 Deputy Attorney General  
20 *Attorneys for Complainant*

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27 SA2019106446  
28 34482995.docx



**Exhibit A**

**Accusation No. 6877**

1 XAVIER BECERRA  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 KRISTINA T. JARVIS  
Deputy Attorney General  
4 State Bar No. 258229  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6088  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 6877

13 **CHI LIEU NGUYEN, dba**  
14 **KIM PHARMACY #3**  
15 **CHI LIEU NGUYEN, OWNER and PIC**  
16 **5026 Fruitridge Road, Ste. 3**  
17 **Sacramento, CA 95820**

**ACCUSATION**

18 **Pharmacy Permit No. PHY 51051,**

19 **and**

20 **CHI LIEU NGUYEN**  
21 **5026 Fruitridge Road, Ste. 3**  
22 **Sacramento, CA 95820**

**Pharmacist License No. RPH 46977**

Respondent.

23 **PARTIES**

24 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity  
25 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

26 2. On or about August 27, 2012, the Board of Pharmacy issued Pharmacy Permit  
27 Number PHY 51051 to Chi Lieu Nguyen, doing business as (dba) Kim Pharmacy #3, Chi Lieu  
28 Nguyen, owner (Respondent Pharmacy). Chi Lieu Nguyen is and has been the Pharmacist-in-

Charge (PIC) of Respondent Pharmacy since August 27, 2012. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on August 1, 2020, unless renewed.

3. On or about March 11, 1994, the Board of Pharmacy issued Pharmacist License Number RPH 46977 to Chi Lieu Nguyen (Respondent Nguyen). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2021, unless renewed.

### **JURISDICTION**

4. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

5. Section 4300 of the Code states:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

...

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

6. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any

1 investigation of, or action or disciplinary proceeding against, the licensee or to  
2 render a decision suspending or revoking the license.

3 **STATUTORY PROVISIONS**

4 7. Section 4301 of the Code states in pertinent part:

5 The board shall take action against any holder of a license who is guilty of  
6 unprofessional conduct or whose license has been issued by mistake. Unprofessional  
conduct shall include, but is not limited to, any of the following:

7 ...

8 (f) The commission of any act involving moral turpitude, dishonesty, fraud,  
9 deceit, or corruption, whether the act is committed in the course of relations as a  
licensee or otherwise, and whether the act is a felony or misdemeanor or not.

10 ...

11 (j) The violation of any of the statutes of this state, of any other state, or of the  
12 United States regulating controlled substances and dangerous drugs.

13 ...

14 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
15 abetting the violation of or conspiring to violate any provision or term of this chapter  
or of the applicable federal and state laws and regulations governing pharmacy,  
including regulations established by the board or by any other state or federal  
16 regulatory agency.

17 ...

18 8. Section 4307 of the Code states:

19 “(a) Any person who has been denied a license or whose license has been revoked  
20 or is under suspension, or who has failed to renew his or her license while it was under  
suspension, or who has been a manager, administrator, owner, member, officer,  
21 director, associate, partner, or any other person with management or control of any  
partnership, corporation, trust, firm, or association whose application for a license has  
22 been denied or revoked, is under suspension or has been placed on probation, and while  
acting as the manager, administrator, owner, member, officer, director, associate,  
23 partner, or any other person with management or control had knowledge of or  
knowingly participated in any conduct for which the license was denied, revoked,  
24 suspended, or placed on probation, shall be prohibited from serving as a manager,  
administrator, owner, member, officer, director, associate, partner, or in any other  
25 position with management or control of a licensee as follows:

26 (1) Where a probationary license is issued or where an existing license is placed  
on probation, this prohibition shall remain in effect for a period not to exceed five  
27 years.

28 (2) Where the license is denied or revoked, the prohibition shall continue until the  
license is issued or reinstated.

1 (b) "Manager, administrator, owner, member, officer, director, associate, partner,  
2 or any other person with management or control of a license" as used in this section and  
3 Section 4308, may refer to a pharmacist or to any other person who serves in such  
4 capacity in or for a licensee.

5 (c) The provisions of subdivision (a) may be alleged in any pleading filed  
6 pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the  
7 Government Code. However, no order may be issued in that case except as to a person  
8 who is named in the caption, as to whom the pleading alleges the applicability of this  
9 section, and where the person has been given notice of the proceeding as required by  
10 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government  
11 Code. The authority to proceed as provided by this subdivision shall be in addition to  
12 the board's authority to proceed under Section 4339 or any other provision of law."

13  
14  
15 9. Section 4076 of the Code states in pertinent part:

16 (a) A pharmacist shall not dispense any prescription except in a container that  
17 meets the requirements of state and federal law and is correctly labeled with all of the  
18 following:

19 (1) Except where the prescriber or the certified nurse-midwife who functions  
20 pursuant to a standardized procedure or protocol described in Section 2746.51, the  
21 nurse practitioner who functions pursuant to a standardized procedure described in  
22 Section 2836.1, or protocol, or the physician assistant who functions pursuant to  
23 Section 3502.1, the naturopathic doctor who functions pursuant to a standardized  
24 procedure or protocol described in Section 3640.5, or the pharmacist who functions  
25 pursuant to a policy, procedure, or protocol pursuant to either subparagraph (D) of  
26 paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision  
27 (a) of Section 4052 orders otherwise, either the manufacturer's trade name of the drug  
28 or the generic name and the name of the manufacturer. Commonly used  
abbreviations may be used. Preparations containing two or more active ingredients  
may be identified by the manufacturer's trade name or the commonly used name or  
the principal active ingredients.

...

(11)(A) Commencing January 1, 2006, the physical description of the  
dispensed medication, including its color, shape, and any identification code that  
appears on the tablets or capsules...

10. Section 4081 of the Code states in pertinent part:

(a) All records of manufacture and of sale, acquisition, or disposition of  
dangerous drugs or dangerous devices shall be at all times during business hours open  
to inspection by authorized officers of the law, and shall be preserved for at least  
three years from the date of making. A current inventory shall be kept by every  
manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician,  
dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or  
establishment holding a currently valid and unrevoked certificate, license, permit,  
registration, or exemption under Division 2 (commencing with Section 1200) of the  
Health and Safety Code or under Part 4 (commencing with Section 16000) of  
Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous  
drugs or dangerous devices.

...

11. Section 4022 of the Code states

Dangerous drug or dangerous device means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: Caution: federal law prohibits dispensing without prescription, Rx only, or words of similar import.

(b) Any device that bears the statement: Caution: federal law restricts this device to sale by or on the order of a \_\_\_\_\_, Rx only, or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

### **REGULATORY PROVISIONS**

12. California Code of Regulations, title 16 (Regulations), section 1714 states in pertinent part:

...

(c) The pharmacy and fixtures and equipment shall be maintained in a clean and orderly condition. The pharmacy shall be dry, well-ventilated, free from rodents and insects, and properly lighted. The pharmacy shall be equipped with a sink with hot and cold running water for pharmaceutical purposes.

...

13. Regulations section 1718 states:

“Current Inventory” as used in Sections 4081 and 4332 of the Business and Professions Code shall be considered to include complete accountability for all dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

The controlled substances inventories required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least 3 years after the date of the inventory.

### **COST RECOVERY**

14. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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///

**DRUGS**

15. *Voltaren 1%* gel is the brand name for diclofenac topical gel. It is a nonsteroidal anti-inflammatory drug (NSAID) used to treat arthritic joint pain. It is a dangerous drug pursuant to Business and Profession Code section 4022.

16. *Allopurinol* 300mg is the generic name for brand names Zyloprim, Lopurin, and Aloprim, among others, it reduces the production of uric acid in the body. It is a dangerous drug pursuant to Business and Professions Code section 4022.

**FACTUAL ALLEGATIONS**

17. Respondent Nguyen is the sole owner and Pharmacist-in-Charge of Respondent Pharmacy. Respondent Nguyen is also the only pharmacist who works at Respondent pharmacy.

18. On or about July 31, 2019, Board Inspector S.M. (S.M.) and Board Inspector J.K. (J.K.) conducted an inspection at Respondent Pharmacy.

19. S.M. inspected the “will call” area, where prescriptions are kept for patients to come in and pick up after being filled and billed to the patients’ insurance. On the shelves were approximately 300 prescriptions that had been filled and billed more than fourteen (14) days previously, some as far back as October 2018. The total amount billed to the insurance companies for these prescriptions was approximately \$8,166.30.

20. Many of the prescriptions older than fourteen (14) days, had been filled more than once for the same patient, for example prescription number 182816 for gabapentin 300mg was filled on August 24, 2018, and again on October 5, 2018. Neither of these prescriptions had been picked up by the patient as of July 31, 2019.

21. Several of the prescriptions had notes handwritten on them. Respondent Nguyen explained these notes were to record that the patients had been called on the telephone and told that their prescriptions were ready and they should come pick them up.

22. Having prescriptions on the shelf for more than fourteen (14) days indicates that the patients’ insurance companies have paid for the prescriptions. It is standard practice in the industry to hold prescriptions for ten (10) to fourteen (14) days and if the prescriptions have not been picked up to reverse the charges. It usually takes insurance companies about fourteen (14)

days to pay for the prescriptions, so this eliminates unnecessary “charge-backs” where the charges have to be reversed first by the pharmacy and then by the insurance company.

23. S.M. performed an audit of acquisition and disposition data for Respondent Pharmacy. The acquisition totals less disposition totals equal the variance. A positive variance indicates a shortage (purchases/acquisitions greater than sales/disposition). A negative variance indicates an overage (sold more than purchased). Variances in the amount of drug inventory that should have been in the pharmacy versus what was in the pharmacy are shown in the table<sup>1</sup> below:

Advair 250/50 mcg inhaler	-20
Invokana 300 mg tablet	452
Jardiance 10 mg tablet	125
Jardiance 25 mg tablet	1590
Januvia 100 mg tablet	2760
Januvia 50 mg tablet	510
Januvia 25 mg tablet	-90
Apidra Solostar insulin pen (ml)	-48
Novolog insulin Flexpen (ml)	-297
Lantus Solostar insulin pen (ml)	-402
Vimpat 200 mg tablet	120
Vimpat 100 mg tablet	660
Vimpat 50 mg tablet	67
Vimpat 300 mg tablet	2520

24. S.M. observed that prescription number 229174 was entered and billed as brand name Voltaren 1% gel, but filled with generic diclofenac topical gel.

25. S.M. observed that prescription number 217919 for allopurinol 300 mg tablets was dispensed with two (2) different tablets inside the same prescription bottle. The prescription label

<sup>1</sup> All of the drugs listed in this table are dangerous drugs pursuant to Business and Professions Code section 4022.



1 stated the tablets should be round, orange, and stamped with “1,2” on one side and “10” on the  
2 other. Some of the tablets in the prescription bottle matched that prescription, but there were also  
3 round, white tablets with “AX” stamped on them. Both of the tablets were in fact allopurinol 300  
4 mg.

5 26. S.M. observed a sink in the pharmacy covered with a piece of plywood. S.M. turned  
6 on the sink and only brown water came out. The only remaining sink was in a bathroom. J.K.  
7 went into the bathroom and turned on the hot water and let the water run for several minutes. The  
8 water remained cold.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Moral Turpitude, Dishonesty, Fraud, Deceit, Or Corruption)**

11 27. Respondent Pharmacy and Respondent Nguyen are subject to disciplinary action for  
12 unprofessional conduct pursuant to Code section 4301, subdivision (f), in that Respondents filled  
13 prescriptions and billed the prescriptions to the patients’ insurance plans, then kept the  
14 prescriptions in pending status waiting to be picked up past the fourteen (14) day limit. The  
15 circumstances are as set forth in paragraphs 18-21, above.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Failure to Maintain Accurate Inventory Records)**

18 28. Respondent Pharmacy and Respondent Nguyen are subject to disciplinary action for  
19 unprofessional conduct pursuant to Code section 4301, subdivisions (j) and (o), for failure to  
20 comply with Code section 4081, subdivision (a), and Regulations section 1718, subdivision (a).  
21 The circumstances are that Respondents had variances of different medications with  
22 approximately 857 doses of certain medications more than the pharmacy should have had, and  
23 with approximately 8,804 doses lost. Respondents therefore failed to maintain an accurate  
24 inventory as set forth in paragraph 22, above.

25 ///

26 ///

27 ///

28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Prescription Label Requirements)**

3 29. Respondent Pharmacy and Respondent Nguyen are subject to disciplinary action for  
4 unprofessional conduct pursuant to Code section 4301, subdivisions (j) and (o), for failing to  
5 comply with Code section 4076, subdivision (a)(a), and (a)(11)(A). The circumstances are that  
6 Respondents dispensed a generic equivalent when the brand name was entered on the prescription  
7 label and billed to the patient's insurance, and mixed two tablets that were the same medication  
8 from different manufacturers with distinct visually differences in the same prescription bottle, as  
9 set forth in paragraphs 23 and 24, above.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Failure to Maintain Operational Standards and Security)**

12 30. Respondent Pharmacy and Respondent Nguyen are subject to disciplinary action for  
13 unprofessional conduct pursuant to Code section 4301, subdivision (o), for failing to comply with  
14 Regulations section 1714, subdivision (c), and have a sink with hot and cold running water, as set  
15 forth in paragraph 25, above.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
18 and that following the hearing, the Board of Pharmacy issue a decision:

19 1. Revoking or suspending Pharmacy Permit Number PHY 51051, issued to Chi Lieu  
20 Nguyen, dba Kim Pharmacy #3, Chi Lieu Nguyen, owner;

21 2. Revoking or suspending Pharmacist License Number RPH 46977, issued to Chi Lieu  
22 Nguyen;

23 3. Prohibiting Chi Lieu Nguyen from serving as a manager, administrator, owner,  
24 member, officer, director, associate, partner, or in any other position with management or control  
25 of any Pharmacy licensee;

26 4. Ordering Chi Lieu Nguyen dba Kim Pharmacy #3 and Chi Lieu Nguyen to pay the  
27 Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,  
28 pursuant to Business and Professions Code section 125.3; and,

1           5.     Taking such other and further action as deemed necessary and proper.

2  
3     DATED:   April 30, 2020



ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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28     14540718.docx